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5 I2A Technologies, Inc. and Victor Batinovich

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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 Semiconductor Components Industries, LLC, ) Case No. CV 10-603 MEJ  
12 Plaintiff, ) **Answer and Affirmative Defenses**  
13 vs. )  
14 I2A Technologies, Inc., and Victor Batinovich, )  
15 Defendants. )

1 Pursuant to Fed. R. Civ. P. 12(a), Defendants I2A Technologies, Inc. ("I2A") and  
2 Victor Batinovich ("Batinovich"; collectively, "Defendants") hereby answer the Complaint filed by  
3 Semiconductor Components Industries LLC ("Semiconductor") in this action.

4 **Response to Allegations**

5 Responding to the allegations of the Complaint, Defendants state as follows:

6 1. Defendants admit that the Complaint purports to state causes of action of  
7 Conversion, Intentional Interference with Contractual Relations, and Unjust Enrichment against  
8 Defendants. Defendants deny that the putative causes of action have merit. Except as thus  
9 expressly admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

10 2. Defendants lack sufficient knowledge or information to form a belief as to  
11 the truth of the allegation regarding Plaintiff's motive for bringing this suit, and on that basis deny  
12 it. Defendants deny any other allegation(s) explicit or implicit in the paragraph.

13 3. Defendants lack sufficient knowledge or information to form a belief as to  
14 the truth of the allegation(s) in paragraph 3, and on that basis deny them.

15 4. Defendants admit that I2A is a California corporation with its principal place  
16 of business at 3399 West Warren Avenue in Fremont, California (94538). Except as thus expressly  
17 admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

18 5. Defendants admit that Batinovich resides at 3085 Paseo Vista Avenue in San  
19 Martin, CA (95046), and that he is the President and CEO of I2A. Except as thus expressly  
20 admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

21 6. Defendants admit that this Court has original subject matter jurisdiction over  
22 the claims currently pled. Except as thus expressly admitted, Defendants deny any other  
23 allegation(s) explicit or implicit in the paragraph.

24 7. Defendants admit that this Court has personal jurisdiction over Defendants.

25 8. Defendants admit that venue is currently proper in this Court. Except as thus  
26 expressly admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

9. Defendants admit that this action is properly assigned to either the San Francisco or Oakland Divisions of the Court, pursuant to Local Rule 3-2(d). Except as thus expressly admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

10. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation(s) in paragraph 10, and on that basis deny them.

11. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation(s) in paragraph 11, and on that basis deny them.

12. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation(s) in paragraph 12, and on that basis deny them.

13. Defendants deny the allegation(s) of paragraph 13.

14. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation(s) in paragraph 14, and on that basis deny them.

15. Defendants deny the allegation(s) of paragraph 15.

#### **First Cause of Action (Conversion)**

16. Defendants incorporate all responses included in the preceding paragraphs.

17. Defendants deny the allegations of paragraph 17.

18. Defendants deny the allegations of paragraph 18.

19. Defendants deny the allegations of paragraph 19 (to the extent denial of this legal conclusion is warranted or required).

20. Defendants deny the allegations of paragraph 20.

#### **Second Cause of Action (Intentional Interference with Contractual Relationships)**

21. Defendants incorporate all responses included in the preceding paragraphs.

22. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in the first two sentences of paragraph 22, and on that basis deny them. Defendants deny the allegations in the third sentence of paragraph 22.

23. Defendants deny the allegations of paragraph 23.

24. Defendants deny the allegations of paragraph 24.

**Third Cause of Action (Unjust Enrichment)**

25. Defendants incorporate all responses included in the preceding paragraphs.
26. Defendants deny the allegations of paragraph 26.
27. Defendants deny the allegations of paragraph 27.
28. Defendants deny the allegations of paragraph 28.
29. Defendants deny the allegations of paragraph 29.

**Affirmative Defenses**

Defendants allege the following affirmative defenses:

1. The complaint fails to state a claim on which relief can be granted.
2. Plaintiff's claims are barred by the doctrines of estoppel, laches, and/or  
unclean hands.
3. Plaintiff's claims have been waived.
4. Plaintiff has not stated a claim upon which punitive or exemplary damages  
may be granted.
5. Plaintiff's claims are barred in whole or in part by its failure to mitigate  
damages.
6. Defendants reserve their right to assert additional affirmative defenses as  
appropriate.

**Prayer**

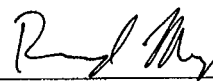
Wherefore, Defendants pray as follows:

1. That Plaintiff take nothing by the complaint and the complaint be dismissed  
with prejudice.
2. That Defendants be awarded their costs of suit, including reasonable  
attorneys' fees.

1                   3.       For such other and further relief as this Court deems just and proper.  
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4 Dated: March 12, 2010

Holme Roberts & Owen LLP

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6 By:   
7 Richard J. Mooney  
8 Attorneys for Defendants  
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